

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LUMLEY, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiff,

-against-

UNITED STATES TRUST COMPANY, N.A.,
BANK OF AMERICA, N.A., JOHN DOES #1-
10, Jointly and severally,

Defendants.

No. 08 CV 3993 (TPG) (AJP)

RULE 7.1 STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendants Bank of America, National Association (named herein as "Bank of America, N.A.") certifies that Bank of America, National Association is a wholly owned subsidiary of N.B. Holdings Corporation which is a wholly owned subsidiary of Bank of America Corporation.¹

Dated: New York, New York
June 2, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

Attorneys for Defendant
BANK OF AMERICA, NATIONAL ASSOCIATION

By: 

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¹ On May 21, 2008, counsel for Defendant Bank of America, National Association filed with the Court a Stipulation – executed by counsel for Plaintiff and Defendant – Dismissing Defendant United States Trust Company, N.A. from the above-entitled action. Thus, this Rule 7.1 Statement is submitted on behalf of Defendant Bank of America, National Association.